

**Staff
Summary
Report**



To: Mayor & City Council
Through: City Manager

Agenda Item Number 46
Meeting Date 03/11/99

SUBJECT: ORDINANCE FOR ADOPTION

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES

REVIEWED BY: HOWARD C. HARGIS, CITY ENGINEER

BRIEF: This is the second public hearing for the abandonment of a portion of an existing waterline easement at 8123 S. Hardy Drive.

COMMENTS: ABANDONMENT (0901) ORDINANCE NO. 99.04 This is the second public hearing for the abandonment of two feet of a 12 foot wide waterline easement within Hardy Business Park, 8123 S. Hardy Drive. The easement was recorded in Instrument 97-0791831, Book 454, Page 11. A two foot strip of waterline easement will be re-dedicated on the opposite side of existing easement so as to maintain the 12-foot wide waterline easement.

Document Name: (990311PWHS01) Supporting Documents: Yes

SUMMARY: The purpose for the abandonment rededication is so that the SRP electric easement and City waterline easement will not overlap.

RECOMMENDATION:

That the City Council hold a public hearing and adopt Ordinance No. 99.04 and authorize the Mayor to execute any necessary documents.

Approved by: Judith Greenberg, Public Works Director

ORDINANCE NO. 99.04

AN ORDINANCE BY THE CITY COUNCIL OF THE
CITY OF TEMPE, ARIZONA, ABANDONING A
PORTION OF A WATERLINE EASEMENT LOCATED
WITHIN HARDY BUSINESS PARK, 8123 S. HARDY
DRIVE.

WHEREAS, it has been determined by the City Council of the City of Tempe that
a portion of a certain easement which was intended for a waterline is no longer required by the
City for use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to
abandon said portion of easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish, and vacate
a portion of an existing easement which was intended for a waterline as described and delineated
on EXHIBIT "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in the portion of easement
abandoned shall vest in the record owner(s) of the subject property and shall be subject to the
same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the
easement is a part.

SECTION III. That the abandonment of the foregoing southerly two foot portion of waterline easement is specifically conditioned upon the owners of the property granting a replacement easement of two feet on the northerly line of existing waterline easement to the City of Tempe, as well as permission to utilize abandoned portion for construction equipment access. That upon fulfillment of the conditions herein, the City Engineer or his designee shall record an Affidavit of Satisfaction of Conditions of Abandonment.

SECTION IV. That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA this _____ day of _____, 1999.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Darrel E. Wood, P.E., R.L.S.
Ashok C. Patel, P.E., R.L.S.
James S. Campbell, P.E.
Gordon W. R. Wark, P.E.
Thomas R. Gettings, R.L.S.
Bruce Friedhoff, P.E.
Scott A. Nelson, R.L.S.
Richard L. Hiner, P.E.
Timothy A. Huval, P.E.
Michael J. Sexton, R.L.S.
Jack K. Moody, P.E.
Leslie J. Kland, P.E.
Carl Sitterley, R.L.S.
Curtis L. Brown, P.E.
Jim Lynck, P.E., R.L.S.
R. Scott Rasmussen, P.E.
Paul M. Haas, P.E.
Shimin Zou, Ph.D., P.E.
David T. Phelps, P.E.
Michael T. Young, P.E.

November 11, 1998

WP #96468.08

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Exhibit A

PARCEL DESCRIPTION
Proposed Waterline Easement Abandonment

A parcel of land lying within Section 16, Township 1 South, Range 4 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southwest corner of Lot 1 of Hardy Business Park Plat, as recorded in Book 454, page 11, M.C.R.;

THENCE along the southerly line of said Lot 1, North 89°41'16" East, a distance of 73.01 feet;

THENCE leaving said southerly line, North 00°18'44" West, a distance of 17.00 feet, to the southerly line of an existing waterline easement, as shown on said Plat and the **POINT OF BEGINNING**;

THENCE leaving said southerly line, North 00°20'18" West, a distance of 2.00 feet, to a line that is parallel with and 2.00 feet north of said southerly line;

THENCE along said parallel line, North 89°41'16" East, a distance of 277.98 feet;

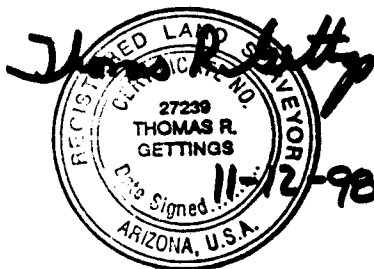
THENCE leaving said parallel line, South 03°51'15" West, a distance of 2.01 feet, to said southerly line;

THENCE along said southerly line, South 89°41'16" West, a distance of 277.83 feet, to the **POINT OF BEGINNING**.

Containing 0.0128 acres, or 556 square feet of land, more or less.

Subject to existing rights-of-way and easements.

LEGALS\96468.08a.n11

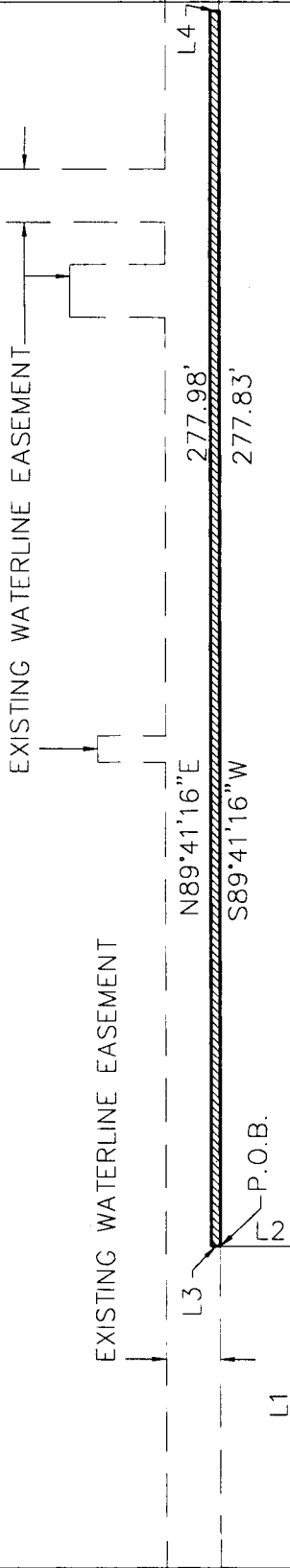


LOT 1, HARDY BUSINESS PARK
BOOK 454 PAGE 11

LOT 2

LOT 3

HARDY DRIVE



LINE TABLE		
LINE	LENGTH	BEARING
L1	73.01	N89°41'16\"E
L2	17.00	N00°18'44\"W
L3	2.00	N00°20'18\"W
L4	2.01	S03°51'15\"W



EXHIBIT A-1

PROPOSED WATERLINE EASEMENT ABANDONMENT
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NOT TO SCALE
T: \960702\LEGAL\L1.DWG

WOOD/PATEL

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